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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,660	03/17/2004	Conrad K. Herrmann	VIV/0014.01	2659
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JOHN A. SMART			EXAMINER	
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LOS GATOS, CA 95030-5308				
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/708,660

Applicant(s)

HERRMANN, CONRAD K.

Examiner

Frantz B. Jean

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 4/12, 4/13, 4/20/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to an application for patent filed on 03/17/04. Claims 1-68 are presented for examination.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 4/12/05, 4/13/05 and 4/20/05 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claims 20, 56 and 68 are objected to because of the following informalities: paragraph 0154 in the specification defines medium as storage. Applicant is requested to insert "storage" before medium in the claims to preserve consistency and clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Moreh et al., US patent Number 6,158,007.

As per claim 1, Moreh teaches a method for authorizing a client to access a service based on compliance with a policy required for access to the service (col. 6 line 40 to col. 7 line 20), the method comprising: specifying a policy required for access to the service (col. 6 lines 4-20); detecting a request for access to the service from a client (col. 7 lines 1-11 and lines 39-60); attempting authentication of the client based on credentials presented by the client (fig 3 col. 7 lines 1-60); if the client is authenticated based on the credentials, determining whether the client is in compliance with said policy based, at least in part, on attributes of the client; and if the client is determined to be in compliance with said policy, providing access to the service (Moreh discusses compliance with policy on col. 4 lines 15-23).

As per claim 2, Moreh teaches a method of claim 1, wherein the service comprises a remote service accessible by the client through a network (see fig 1, 3-4).

As per claim 3, Moreh teaches a method of claim 1, further comprising: restricting access to the service if the client is determined to be non-compliant with said policy (col. 4 lines 15-40).

As per claim 4, Moreh teaches a method of claim 3, wherein restricting access includes assigning limited access privileges to the client (col. 4 lines 15-40).

As per claim 5, Moreh teaches a method of claim 3, wherein restricting access includes

issuing a Kerberos ticket specifying limited access privileges if the client is determined to be non-compliant with the policy (col. 8 lines 5-25).

As per claim 6, Moreh teaches a method of claim 1, wherein said policy comprises a security policy (see abstract; col. 6 lines 4-32).

As per claim 7, Moreh teaches a method of claim 6, wherein said security policy includes security measures required on the client (abstract; col. 6 lines 4-32).

As per claim 8, Moreh teaches a method of claim 1, wherein said policy includes anti-virus measures required on the client (see abstract).

As per claim 9, Moreh teaches a method of claim 1, wherein said step of providing access includes issuing a Kerberos ticket specifying access privileges provided to the client (col. 8 lines 5-25).

As per claim 10, Moreh teaches a method of claim 1, wherein attributes of the client include a selected one of a file integrity policy in effect at the client, a file installed at the client, a process running at the client, a particular checksum value at the client, and a registry entry at the client (see col. 6 lines 40-56).

As per claim 11, Moreh teaches a method of claim 1, wherein said detecting step

includes detecting a request for access to a server by a remote client (fig 1 and 3-4).

As per claim 12, Moreh teaches a method of claim 1, wherein said detecting step includes detecting a request for access to a service on a computer system by another process on the computer system (see fig 1 and 3-4).

As per claim 13, Moreh teaches a method of claim 1, wherein said attempting authentication step includes authentication based on user identity (col. 7 lines 1-20).

As per claim 14, Moreh teaches a method of claim 1, wherein said attempting authentication step includes using a selected one of Kerberos authentication, Pluggable Authentication Module (PAM) authentication, Extensible Authentication Protocol (EAP) authentication, Generic Security Service API (GSS-API) authentication, and trust negotiation in TLS (TNT) authentication (col. 8 lines 5-25).

As per claim 15, Moreh teaches a method of claim 1, wherein said credentials include a selected one of a user name, a password, and a certificate (col. 7 lines 1-38).

As per claim 16, Moreh teaches a method of claim 1, wherein said determining step includes obtaining attribute information from the client (col. 7 lines 1-38).

As per claim 17, Moreh teaches a method of claim 16, wherein said step of obtaining

information from the client includes requesting attribute information collected by a client-side component (col. 7 lines 1-60).

As per claim 18, Moreh teaches a method of claim 1, wherein said determining step includes substeps of: providing a copy of the policy to the client; and performing a compliance check at the client to determine compliance with the policy (col. 4 lines 15-40; col. 6 lines 21-32).

As per claim 19, Moreh teaches a method of claim 1, wherein said determining step includes obtaining information from a security evaluation service that has previously evaluated compliance by the client with the policy (col 4 lines 15-40; col. 7 lines 1-60).

As per claim 20, Moreh teaches computer-readable medium having processor-executable instructions for performing the method of claim 1 (see claim 1 rejection).

As per claim 21, Moreh teaches a downloadable set of processor-executable instructions for performing the method of claim 1 (see claim 1 rejection).

Claims 22-68 are similar in content to the previously discussed claims 1-21. Therefore, they are rejected under the same rationale.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz B. Jean/
Primary Examiner, Art Unit 2154